



ATTORNEYS AT LAW  
One Commercial Place  
Suite 1800  
Norfolk, Virginia 23510  
Telephone: 757.628.5500 • Facsimile: 757.628.5566

**FACSIMILE COVER PAGE**

June 28, 2005

To  
Barnes & Noble.com, Inc.

Company

Facsimile Number  
(212) 414-6018

Confirmation Number  
(212) 414-6000

From: Timothy J. Lockhart

Phone: 757-628-5582

Re:

Total Pages (including this page): 7

Client/Matter#: 25455-042

Please Send By: 12:00 PM

Time In:

Initials

Time Completed:

Message

EXHIBIT "A"

If you do not receive all pages, please call the sender at the number shown above.

**Confidential & Privileged**

This message is intended only for the use of the individual to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the sender of this message is not the intended recipient or the addressee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or supply of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. postal service. Thank you.



Timothy J. Lockhart  
757-628-5582  
tlockhart@willcox.com

2459042

June 28, 2005

By Facsimile (212-414-6018)

Barnes & Noble.com, Inc.  
76 Ninth Avenue  
New York, NY 10011

Re: Infringing Distribution of *DASH* by Eric J. Aronson

Dear Madam or Sir:

This firm represents the writer Linda M. Ellis with respect to copyright matters. Ms. Ellis is the author of the poem "The Dash" and owns and has registered the copyright in that poem (Registration Certificate No. TX u 858-108, effective as of June 15, 1998).

Ms. Ellis recently obtained an order from the U.S. District Court for the Northern District of Georgia that prohibits Eric J. Aronson from, among other things, distributing copies of his book *DASH* (ISBN 0-9742493-0-0, TurnKey Press, 2003) that contain Ms. Ellis's poem "The Dash." The poem appears, without authorization by Ms. Ellis, on two unnumbered pages after the table of contents and before the introduction of Mr. Aronson's book *DASH*.

We understand that your company is distributing such copies of the book *DASH* and thereby distributing infringing copies of Ms. Ellis's poem "The Dash." Such distribution is clearly prohibited by the court's order, a copy of which we enclose for your reference. See the top of page three of the order, which expressly prohibits the "distribution of copies of the copyrighted Work ['The Dash'] to the public by sale or other transfer of ownership."

Further distribution by your company of the book *DASH* containing Ms. Ellis's poem would constitute willful infringement of her copyright in "The Dash" and therefore potentially subject the company to the maximum statutory penalty of \$150,000 (which penalty, as the order indicates, was imposed on Mr. Aronson), plus attorneys' fees, expenses, and costs. Accordingly, we hereby demand on behalf of Ms. Ellis that your company immediately and permanently stop its marketing, advertising, offering for sale, sale, or other distribution of copies of *DASH* that

1-654134.1

Reply to Norfolk Office

ONE COMMERCIAL PLACE SUITE 1800 NORFOLK, VIRGINIA 23510 757.628.5500 FACSIMILE 757.628.5166  
323 CENTRAL PARK AVENUE SUITE 1500 VIRGINIA BEACH, VIRGINIA 23462 757.628.5600 FACSIMILE 757.618.5659

WWW.WILCOXANDSAVAGE.COM

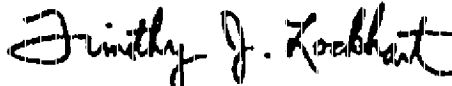
EXHIBIT "D-7"

Willcox & Savage

June 28, 2005  
Page 2

contain Ms. Ellis's poem and that you confirm to us in writing that the company has ceased all such activities.

Very truly yours,



Timothy J. Lockhart

Enclosure

cc: Linda M. Ellis (w/o encl.)

Conrad M. Shumadine, Esq. (w/o encl.)